

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEBORAH LYNN RIEGEL,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No.: 15-CV-1342 W (MDD)

ORDER:

- (1) ADOPTING REPORT AND RECOMMENDATION [DOC. 22];**
- (2) GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [DOC. 20]; AND**
- (3) DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [DOC. 16];**

On June 18, 2015, Plaintiff Deborah Lynn Riegel filed this action seeking judicial review of the Social Security Commissioner's final decision denying her claim for benefits under Title II of the Social Security Act. (*See Compl.* [Doc. 1].) The matter was referred to the Honorable Mitchell D. Dembin, United States Magistrate Judge, for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1). (*Oct. 5, 2015 Order* [Doc. 10].) Thereafter, the parties filed cross-motions for summary judgment. (*Pl.'s Mot.* [Doc. 16]; *Def.'s Mot.* [Doc. 20].)

1 On August 3, 2016, Judge Dembin issued a Report and Recommendation (“R&R”)
 2 recommending that the Court grant Defendant’s motion for summary judgment, deny
 3 Plaintiff’s motion for summary judgment, and dismiss the case. (*R&R* [Doc. 22].) Judge
 4 Dembin ordered that any objections be filed by August 17, 2016. (*Id.* [Doc. 22] 28:24–
 5 29:2.) No objections were filed. There has been no request for additional time to object.

6 A district court’s duties concerning a magistrate judge’s report and
 7 recommendation and a respondent’s objections thereto are set forth in Rule 72(b) of the
 8 Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). When no objections are
 9 filed, the district court is not required to review the magistrate judge’s report and
 10 recommendation. See United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)
 11 (reasoning that 28 U.S.C. § 636(b)(1)(C) “makes it clear that the district judge must
 12 review the magistrate judge’s finding and recommendations *de novo if objection is made,*
 13 but not otherwise”); Schmidt v. Johnstone, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)
 14 (concluding that where no objections were filed, the District Court had no obligation to
 15 review the magistrate judge’s report). This rule of law is well-established within both the
 16 Ninth Circuit and this district. See Wang v. Masaitis, 416 F.3d 992, 1000 n.13 (9th Cir.
 17 2005) (“Of course, *de novo* review of a R & R is only required when an objection is
 18 made to the R & R[.]”) (citing Reyna-Tapia, 328 F.3d at 1121); Nelson v. Giurbino, 395
 19 F. Supp. 2d 946, 949 (S.D. Cal. 2005) (Lorenz, J.) (adopting the R&R without review
 20 because neither party filed objections despite having the opportunity to do so); see also
 21 Nichols v. Logan, 355 F. Supp. 2d 1155, 1157 (S.D. Cal. 2004) (Benitez, J.).

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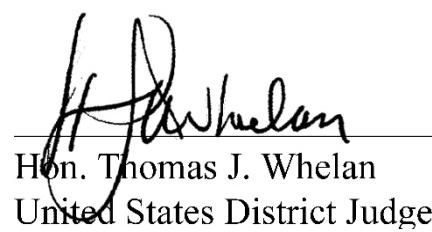
1 Because no objections have been filed, the Court accepts Judge Dembin's
2 recommendation and **ADOPTS** the R&R [Doc. 22] in its entirety.

3 For the reasons stated in the R&R, which is incorporated herein by reference, the
4 Court **GRANTS** Defendant's motion for summary judgment [Doc. 20] and **DENIES**
5 Plaintiff's motion for summary judgment. [Doc. 16.]

6 This case is dismissed. The clerk is directed to close the case file.
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8 **IT IS SO ORDERED.**

9 Dated: August 30, 2016



Hon. Thomas J. Whelan
United States District Judge

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